Subject: CPRA Response Letter to adrian - 9.7.20
From: Mark Smith <n3145@lapd.online>
Date: 9/7/20, 9:44 PM
To: [redacted]

Dear [redacted]

The Office of the Inspector General (OIG) has reviewed your requests for records pursuant to the California Public Records Act (Cal. Govt. Code §§6250, *et seq.*, hereafter "CPRA" or the "Act"), which we received on July 29, 2020. Your requests seek the following categories of records for the time period 2019 and 2020: (i) daily calendars of the Inspector General; (ii) emails between OIG staff and any email address at lapd.com; (iii) emails between OIG staff and any email address at lappl.org; and (iv) emails between OIG staff and anyone representing LAPPL (Los Angeles Police Protective League).

The OIG is cognizant of its responsibilities under the Act. It recognizes the statutory scheme was enacted in order to maximize citizen access to the workings of government. The Act does not mandate disclosure of all documents within the government's possession. Rather, by specific exemption and reference to other statutes, the Act recognizes that there are boundaries where the public's right to access must be balanced against such weighty considerations as the right of privacy, a right of constitutional dimension under California Constitution, Article 1, Section 1. The law also exempts from disclosure records that are privileged or confidential or otherwise exempt under either express provisions of the Act or pursuant to applicable federal or state law, per California Government Code Sections 6254(b); 6254(c); 6254(f); 6254(k); and 6255. The OIG has conducted an inquiry and search for responsive records and responds as follows:

Request
All of the daily calendars of the Inspector General for all of 2020 (as modified in your email dated August 21, 2020).

Response
The OIG determines that your request seeks records that are exempt from disclosure under Government Code Section 6255, which exempts records that reveal the mental processes and impressions of government officials and are therefore protected by the deliberative process privilege. See *Times Mirror Co. v. Superior Court*, 53 Cal.3d 1325, 1343-44 (1991) (explaining that disclosure of a government official's calendars would be "the functional equivalent of revealing" the official's "judgment and mental processes" and holding that "[t]he intrusion into the deliberative process is patent"); *Rogers v. Superior Court*, 19 Cal.App.4th 469, 480-81 (1991) (holding same, as to phone records). The OIG further determines that this portion of your request seeks records exempt from disclosure under the "public interest" exemption of Section 6255, which provides an exemption where, as here, responding to a broad and unfocused request would be unduly burdensome for the agency, such that the public interest in withholding clearly

outweighs any public interest in disclosure. *See Times Mirror Co.*, 53 Cal.3d at 1344-46 (authorizing the wholesale withholding of government official's calendars for a five-year period, especially given the broad scope and nonspecific and unfocused nature of the request); *id.* at 1345 (finding that any public interest in disclosure "is simply crushed under the massive weight" of the request for the wholesale production of calendars); *Rogers v. Superior Court*, 19 Cal.App.4th at 480-81 (upholding withholding of material in light of "the nonspecific and unfocused nature of the request" and noting that the one-year time frame of the request at issue was not "conceptually different than the five-year period involved in *Times Mirror Co.*"). Additionally, the OIG denies this portion of your request on the ground and to the extent that it seeks personal information protected from disclosure under the exemptions of Government Code Section 6254(c); information protected by the attorney-client privilege under Government Code Section 6254(k) / Evidence Code Section 954, and official information protected under Government Code Section 6254(k) / Evidence Code Section 1040.

Request
Emails from 2019 and 2020 between OIG staff members (on the one hand) and any email address at lapd.com (on the other hand).

Response
The OIG has identified the attached emails in response to your request. The information redacted from the emails is exempt under Sections 6254(c) and 6255 of the CPRA. Section 6254(c) of the CPRA exempts from disclosure personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy; Section 6255 of the CPRA exempts from disclosure records, when the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Request
Emails from 2019 and 2020 between OIG staff members (on the one hand) and any email address at lappl.org (on the other hand).

Response
Due to the number of responsive and disclosable records resulting from the search, which must be redacted to the extent necessary to protect any information contained therein that is exempt from disclosure under the CPRA, including under Government Code Sections 6254(b), 6254(c), and 6254(k), the OIG will provide you with copies of such records, as they become ready, on a rolling basis.

Request
Emails from 2019 and 2020 between OIG staff members (on the one hand) and anyone representing LAPPL (on the other hand).

Response
Due to the number of responsive and disclosable records resulting from the search, which must be redacted to the extent necessary to protect any information contained therein that is exempt from disclosure under the CPRA, including under Government

Code Sections 6254(b), 6254(c), and 6254(k), the OIG will provide you with copies of such records, as they become ready, on a rolling basis.

If you have any questions regarding this correspondence, please contact the OIG at (213) 893-6400.

Very truly yours,
BOARD OF POLICE COMMISSIONERS

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Attachments:

CPRA Response Letter to [redacted] 9.7.20.pdf 506 KB